

Richard Elbert  
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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI**

**CIVIL COMPLAINT**

<b>Richard M. Elbert</b> <b>Plaintiff</b>	<b>Sworn Declaration in Support of Class Action Certification</b>
<b>Vs</b>	
<b>City of Kansas City Missouri, et al</b>	
<b>Defendants</b>	CASE NO. 4:11-CV-00428-HFS

Under Oath and subject to the penalties of perjury, I hereby state and declare on my own knowledge and belief that the following statements are true and correct.

Declarants Name: Derion Harris  
Declarants Address: 7500 E 109th Ter  
Declarants City, State and Zip: Kansas City, MO 64134

I, Derion Harris, hereinafter referred to as Declarant, hereby aver the following:

1. Declarant is a member of Kansas City Apollo Country Club.
2. At all times relevant to this statement declarant avers that Kansas City Apollo Country Club was located at 8111A Troost, Kansas City Missouri.
3. Declarant avers that declarant visited the facility on a regular basis.
4. Declarant avers that declarant paid membership dues to Kansas City Apollo Country Club.
5. Declarant was aware that beverages, food, refreshments, security, utilities, rent and other amenities would be furnished or provided in exchange for membership dues.
6. Declarant was aware that as a member of Kansas City Apollo Country Club declarant was entitled to bring guests during any visit.
7. Declarant was aware that as a member declarant was entitled to have a birthday party at Kansas City Apollo Country Club facilities.
8. Declarant was aware that alcoholic beverages would be provided by Kansas City Apollo Country Club as part of consideration for paid membership dues.
9. Declarant was aware that food would be provided by Kansas City Apollo Country Club as part of consideration for paid membership dues.
10. Declarant was aware that Kansas City Apollo Country Club was a private, members only social club and was not open to the public.
11. Declarant partook of membership in Kansas City Apollo Country Club on the basis that Kansas City Apollo Country Club was legally established and operated completely within the parameters of State of Missouri and City of Kansas City laws.

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12. Declarant partook of membership in Kansas City Apollo Country Club on the basis of permanency and paid such membership dues on the basis of a long term affiliation.
13. Declarant expected to enjoy the right to freedom of assembly at Kansas City Apollo Country Club.
14. Declarant expected to enjoy the right to freedom from unreasonable search and seizure at Kansas City Apollo Country Club.
15. Declarant did not observe any illegal activity, including illegal liquor or food sales, while visiting Kansas City Apollo Country Club though declarant may have received food or alcoholic beverages as partial consideration for paid membership dues.
16. Declarant no longer enjoys the right to freedom of assembly at Kansas City Apollo Country Club due to actions of KCMo Police Department and City of Kansas City Missouri actions.
17. Declarant has suffered loss of membership dues, loss of potential financial opportunities, loss of affiliations and associations and loss of right of freedom of assembly due to actions of KCMo Police Department and City of Kansas City Missouri actions.
18. Declarant wishes to be included as a member of Kansas City Apollo Country Club in any civil class action present in any state or federal court.
19. Affiant wishes to be included as a member of Kansas City Apollo Country Club in any federal class action certification of Case Number 4:11-CV-00428-HFS which is currently in the Federal District Court.

I declare (or certify, verify, or state) under penalty of perjury, in accordance with 28 U.S.C. § 1746(2), under the laws of the United States that the foregoing is true and correct.

Executed on

7/23/12



Signature of Declarant

#### Certificate of Service

I hereby certify that on \_\_\_\_\_ day of \_\_\_\_\_, 2012, I electronically filed the **Sworn Declaration in Support of Class Action Certification** with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following: all CM/ECF participants of record in this case.

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Richard M. Elbert